

---

---

# A BILL FOR AN ACT

RELATING TO ALLOWANCE ON SERVICE RETIREMENTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 88-21, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By adding four new definitions to be appropriately  
4 inserted and to read:

5 "Deputy director of the department of law enforcement"  
6 means a person appointed by the director of law enforcement to  
7 regularly serve as a deputy director of the department of law  
8 enforcement.

9 "Director of law enforcement" means the person appointed by  
10 the governor to regularly serve as the director of law  
11 enforcement.

12 "Sheriff" means a person who serves as the administrator of  
13 the sheriff division of the department of law enforcement.

14 "Sheriff division investigator" means a person regularly  
15 employed by the department of law enforcement with police powers  
16 who hold the personnel class specification of investigator."



1           2. By amending the definition of "law enforcement  
2 investigations staff investigators" to read:

3           ""Law enforcement investigations staff investigators" means  
4 those employees in the investigations staff office of the  
5 department of law enforcement who have been conferred police  
6 powers by the director of law enforcement in accordance with  
7 section 353C-4 and are in the positions of investigator I to  
8 VII[-], including investigators of the department of the  
9 attorney general who were transferred to the department of law  
10 enforcement as provided in Act 278, Session Laws of Hawaii  
11 2022."

12           SECTION 2. Section 88-47, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14           "(a) There shall be four classes of members in the system  
15 to be known as class A, class B, class C, and class H, defined  
16 as follows:

17           (1) Class A shall consist of:

18                   (A) Judges, elected officials, and legislative  
19                   officers;

20                   (B) Investigators of the department of the attorney  
21                   general, narcotics enforcement investigators,



- 1 water safety officers not making the election  
2 under section 88-271, and law enforcement  
3 investigations staff investigators;
- 4 (C) Those members in service prior to July 1, 1984,  
5 including those who are on approved leave of  
6 absence, not making the election to become a  
7 class C member as provided in part VII or to  
8 become a class H member as provided in part VIII;
- 9 (D) The following members in service prior to July 1,  
10 2006, including those who are on approved leave  
11 of absence, not making the election to become a  
12 class H member as provided in part VIII:
- 13 (i) Members whose salaries are set forth in  
14 sections 26-52 and 26-53 and their county  
15 counterparts, managing directors or an  
16 administrative assistant to the mayor, other  
17 county department heads, and agency heads  
18 appointed and subject to removal by the  
19 mayor;
- 20 (ii) First deputies appointed by the county  
21 attorney and prosecuting attorney;



- 1                   (iii) The county clerk and deputy county clerk of
- 2                   each county;
- 3                   (iv) The directors of the offices of council
- 4                   services of the county of Maui and the city
- 5                   and county of Honolulu;
- 6                   (v) The administrative director of the courts;
- 7                   (vi) The deputy administrative director of the
- 8                   courts;
- 9                   (vii) The executive officer of the labor and
- 10                  industrial relations appeals board; and
- 11                  (viii) The executive officer of the Hawaii labor
- 12                  relations board;
- 13                  (E) All former class A retirants who return to
- 14                  employment after June 30, 1984, requiring the
- 15                  retirant's active membership; [~~and~~]
- 16                  (F) All former class B retirants who return to
- 17                  employment requiring the retirant's active
- 18                  membership, except for:
- 19                  (i) Former retirants who return in the positions
- 20                  of police officer or firefighter;



1 (ii) Former retirants who were members on July 1,  
2 1957, who elected not to be covered by the  
3 Social Security Act; and

4 (iii) Former retirants who were in positions to  
5 which coverage under Title II of the Social  
6 Security Act was not extended who entered  
7 membership after June 30, 1957, but before  
8 January 1, 2004; and

9 (G) The following members of the department of law  
10 enforcement, effective July 1, 2025:

11 (i) The director of law enforcement; provided  
12 that the member shall have already been  
13 employed as a class A member prior to  
14 appointment as the director of law  
15 enforcement;

16 (ii) The deputy directors of the department of  
17 law enforcement; provided that the members  
18 shall have already been employed as class A  
19 members prior to appointment as deputy  
20 directors of law enforcement;

21 (iii) Department of law enforcement investigators;



- 1                    (iv) The sheriff; provided that the member shall
- 2                    have already been employed as a class A
- 3                    member prior to appointment as sheriff; and
- 4                    (v) Sheriff division investigators;
- 5            (2) Class B shall consist of:
- 6                    (A) Police officers and firefighters, including
- 7                    former retirants who return to service in such
- 8                    capacity;
- 9                    (B) All employees, including former retirants, who
- 10                   were members on July 1, 1957, who elected not to
- 11                   be covered by the Social Security Act; and
- 12                   (C) All employees, including former retirants, in
- 13                   positions to which coverage under Title II of the
- 14                   Social Security Act is not extended, who enter
- 15                   membership after June 30, 1957, but before
- 16                   January 1, 2004, not making the election to
- 17                   become a class H member as provided in part VIII;
- 18            (3) Except for members described in paragraphs (1) and
- 19                   (2), class C shall consist of all employees, not
- 20                   making the election to become a class H member as
- 21                   provided in part VIII, who:



- 1 (A) First enter service after June 30, 1984, but
- 2 before July 1, 2006;
- 3 (B) Reenter service after June 30, 1984, but before
- 4 July 1, 2006, without vested benefit status as
- 5 provided in section 88-96(b);
- 6 (C) Make the election to become a class C member as
- 7 provided in part VII; or
- 8 (D) Are former class C retirants who return to
- 9 service requiring the retirant's active
- 10 membership; and
- 11 (4) Except for members described in paragraphs (1) and
- 12 (2), class H shall consist of all employees who:
- 13 (A) First enter service after June 30, 2006;
- 14 (B) Reenter service after June 30, 2006, without
- 15 vested benefit status as provided in section
- 16 88-96(b);
- 17 (C) Make the election to become a class H member as
- 18 provided in part VIII; or
- 19 (D) Are former class H retirants who return to
- 20 service requiring the retirant's active
- 21 membership."



1 SECTION 3. Section 88-74, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending subsection (b) to read:

4 "(b) If a member, who became a member before July 1, 2012,  
5 has attained age fifty-five, the member's maximum retirement  
6 allowance shall be two per cent of the member's average final  
7 compensation multiplied by the total number of years of the  
8 member's credited service as a class A and class B member,  
9 excluding any credited service as a judge, elective officer, or  
10 legislative officer, plus a retirement allowance of one and one-  
11 fourth per cent of the member's average final compensation  
12 multiplied by the total number of years of prior credited  
13 service as a class C member, plus a retirement allowance of two  
14 per cent of the member's average final compensation multiplied  
15 by the total number of years of prior credited service as a  
16 class H member; provided that:

17 (1) After June 30, 1968, if the member has at least ten  
18 years of credited service of which the last five or  
19 more years prior to retirement is credited service as  
20 a firefighter, police officer, or an investigator of  
21 the department of the prosecuting attorney;



- 1           (2) After June 30, 1977, if the member has at least ten  
2           years of credited service of which the last five or  
3           more years prior to retirement is credited service as  
4           a corrections officer;
- 5           (3) After June 16, 1981, if the member has at least ten  
6           years of credited service of which the last five or  
7           more years prior to retirement is credited service as  
8           an investigator of the department of the attorney  
9           general;
- 10          (4) After June 30, 1989, if the member has at least ten  
11          years of credited service of which the last five or  
12          more years prior to retirement is credited service as  
13          a narcotics enforcement investigator;
- 14          (5) After December 31, 1993, if the member has at least  
15          ten years of credited service of which the last five  
16          or more years prior to retirement is credited service  
17          as a water safety officer;
- 18          (6) After June 30, 1994, if the member has at least ten  
19          years of credited service, of which the last five or  
20          more years prior to retirement are credited service as  
21          a law enforcement investigations staff investigator;



- 1 (7) After June 30, 2002, if the member:
- 2 (A) Has at least ten years of credited service as a
- 3 firefighter;
- 4 (B) Is deemed permanently medically disqualified due
- 5 to a service related disability to be a
- 6 firefighter by the employer's physician; and
- 7 (C) Continues employment in a class A or B position
- 8 other than a firefighter; [~~and~~]
- 9 (8) After June 30, 2004, if the member:
- 10 (A) Has at least ten years of credited service as a
- 11 police officer;
- 12 (B) Is deemed permanently medically disqualified due
- 13 to a service related disability to be a police
- 14 officer by the employer's physician; and
- 15 (C) Continues employment in a class A or B position
- 16 other than a police officer; and
- 17 (9) After July 1, 2025, if the member has at least ten
- 18 years of credited service, of which the last five or
- 19 more years prior to retirement are credited service as
- 20 the director of law enforcement, deputy director of
- 21 the department of law enforcement, the sheriff,



1           department of law enforcement investigator, or sheriff  
2           division investigator; provided that the dates listed  
3           in paragraphs (1), (2), (3), (4), (5), and (6) shall  
4           continue to apply to the retirement for those members  
5           already employed as a firefighter, police officer,  
6           corrections officer, investigator of the department of  
7           the prosecuting attorney, investigator of the  
8           department of the attorney general, narcotics  
9           enforcement investigator, water safety officer, and  
10          public safety investigations staff investigator prior  
11          to the enactment of Act 278, Session Laws of Hawaii  
12          2022,

13 then for each year of service as a firefighter, police officer,  
14 corrections officer, investigator of the department of the  
15 prosecuting attorney, investigator of the department of the  
16 attorney general, narcotics enforcement investigator, water  
17 safety officer, director of law enforcement, deputy director of  
18 the department of law enforcement, the sheriff, or sheriff  
19 division investigator, or law enforcement investigations staff  
20 investigator, the retirement allowance shall be two and one-half  
21 per cent of the member's average final compensation. The



1 maximum retirement allowance for those members shall not exceed  
2 eighty per cent of the member's average final compensation. If  
3 the member has not attained age fifty-five, the member's  
4 retirement allowance shall be computed as though the member had  
5 attained age fifty-five, reduced for age as provided in  
6 subsection (e)."

7 2. By amending subsections (e) and (f) to read:

8 "(e) Except as provided in subsections (b), (c), and (d),  
9 if a member, who became a member before July 1, 2012, has not  
10 attained age fifty-five at the date of retirement, the member's  
11 retirement allowance shall be reduced, for each month the  
12 member's age at the date of retirement is below age fifty-five,  
13 as follows:

14 (1) 0.4166 per cent for each month below age fifty-five  
15 and above age forty-nine and eleven months; plus

16 (2) 0.3333 per cent for each month below age fifty and  
17 above age forty-four and eleven months; plus

18 (3) 0.2500 per cent for each month below age forty-five  
19 and above age thirty-nine and eleven months; plus

20 (4) 0.1666 per cent for each month below age forty;



1 provided that no reduction shall be made if the member has at  
2 least twenty-five years of credited service as a firefighter,  
3 police officer, corrections officer, investigator of the  
4 department of the prosecuting attorney, investigator of the  
5 department of the attorney general, narcotics enforcement  
6 investigator, director of law enforcement, deputy director of  
7 the department of law enforcement, the sheriff, sheriff division  
8 investigator, law enforcement investigations staff investigator,  
9 sewer worker, or water safety officer, of which the last five or  
10 more years prior to retirement is credited service in these  
11 capacities.

12 (f) If a member, who becomes a member after June 30, 2012,  
13 has attained age sixty, the member's maximum retirement  
14 allowance shall be one and three-fourths per cent of the  
15 member's average final compensation multiplied by the total  
16 number of years of the member's credited service as a class A  
17 and class B member, excluding any credited service as a judge,  
18 elective officer, or legislative officer, plus a retirement  
19 allowance of one and one-fourth per cent of the member's average  
20 final compensation multiplied by the total number of years of  
21 prior credited service as a class C member, plus a retirement



1 allowance of one and three-fourths per cent of the member's  
2 average final compensation multiplied by the total number of  
3 years of prior credited service as a class H member; provided  
4 that:

5 (1) If the member has at least ten years of credited  
6 service of which the last five or more years prior to  
7 retirement is credited service as a firefighter,  
8 police officer, or an investigator of the department  
9 of the prosecuting attorney;

10 (2) If the member has at least ten years of credited  
11 service of which the last five or more years prior to  
12 retirement is credited service as a corrections  
13 officer;

14 (3) If the member has at least ten years of credited  
15 service of which the last five or more years prior to  
16 retirement is credited service as an investigator of  
17 the department of the attorney general;

18 (4) If the member has at least ten years of credited  
19 service of which the last five or more years prior to  
20 retirement is credited service as a narcotics  
21 enforcement investigator;



1 (5) If the member has at least ten years of credited  
2 service, of which the last five or more years prior to  
3 retirement is credited service as a law enforcement  
4 investigations staff investigator;

5 (6) If the member has at least ten years of credited  
6 service, of which the last five or more years prior to  
7 retirement is credited service as a director of law  
8 enforcement, deputy director of the department of law  
9 enforcement, the sheriff, or sheriff division  
10 investigator;

11 [~~6~~] (7) If the member:

12 (A) Has at least ten years of credited service as a  
13 firefighter;

14 (B) Is deemed permanently medically disqualified due  
15 to a service related disability to be a  
16 firefighter by the employer's physician; and

17 (C) Continues employment in a class A or class B  
18 position other than a firefighter; and

19 [~~7~~] (8) If the member:

20 (A) Has at least ten years of credited service as a  
21 police officer;



1 (B) Is deemed permanently medically disqualified due  
2 to a service related disability to be a police  
3 officer by the employer's physician; and  
4 (C) Continues employment in a class A or class B  
5 position other than a police officer,  
6 then for each year of service as a firefighter, police officer,  
7 corrections officer, investigator of the department of the  
8 prosecuting attorney, investigator of the department of the  
9 attorney general, narcotics enforcement investigator, director  
10 of law enforcement, deputy director of the department of law  
11 enforcement, the sheriff, department of law enforcement  
12 investigator, or sheriff division investigator, or law  
13 enforcement investigations staff investigator, the retirement  
14 allowance shall be two and one-fourth per cent of the member's  
15 average final compensation. The maximum retirement allowance  
16 for those members shall not exceed eighty per cent of the  
17 member's average final compensation. If the member has not  
18 attained age sixty, the member's retirement allowance shall be  
19 computed as though the member had attained age sixty, reduced  
20 for age as provided in subsection (i)."

21 3. By amending subsection (i) to read:



1           "(i) Except as provided in subsections (f), (g), and (h),  
2 if a member, who becomes a member after June 30, 2012, has not  
3 attained age sixty at the date of retirement, the member's  
4 retirement allowance shall be reduced, for each month the  
5 member's age at the date of retirement is below age sixty, as  
6 follows:

7           (1) 0.4166 per cent for each month below age sixty and  
8           above age fifty-four and eleven months; plus

9           (2) 0.3333 per cent for each month below age fifty-five  
10           and above age forty-nine and eleven months; plus

11           (3) 0.2500 per cent for each month below age fifty and  
12           above age forty-four and eleven months; plus

13           (4) 0.1666 per cent for each month below age forty-five;

14 provided that no reduction shall be made if the member has  
15 attained the age of fifty-five and has at least twenty-five  
16 years of credited service as a firefighter, police officer,  
17 corrections officer, investigator of the department of the  
18 prosecuting attorney, investigator of the department of the  
19 attorney general, narcotics enforcement investigator, director  
20 of law enforcement, deputy director of the department of law  
21 enforcement, the sheriff, department of law enforcement



1 investigator, or sheriff division investigator, law enforcement  
2 investigations staff investigator, sewer worker, water safety  
3 officer, or emergency medical technician, of which the last five  
4 or more years prior to retirement is credited service in these  
5 capacities."

6 SECTION 4. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.

9

INTRODUCED BY:



JAN 22 2025



# H.B. NO. 1183

**Report Title:**

Department of Law Enforcement; Retirement for Public Officers and Employees; Allowances; Pension and Retirement Systems

**Description:**

Includes certain law enforcement administrators and employees of the Department of Law Enforcement as class A members of the pension and retirement systems and provides guidance for the computation of retirement benefits similar to police officers.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

